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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,007	03/12/2001	William Kendall Meade II	10004178-1	8859

7590 01/02/2004

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EXAMINER

BEHULU, ALEMAYEHU

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 01/02/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/804,007

Applicant(s)

MEADE, WILLIAM KENDALL

Examiner

Alemayehu Behulu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

## DETAILED ACTION

### *Specification*

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim 14, in page 7, line number 22, the Claimed Subject Matter of “not transmit content” is Not in Specification.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ortiz (U.S. Pub No. 6,625,447).

Regarding to claim 1, Ortiz discloses a communication system comprising: a storage device (figure 2, number 7) configured to receive content from a service provider (figure 2, number 28) and store the content (figure 2, number 30), and a transmitter coupled to the storage device, the transmitter being configured to transmit the content stored in the storage device to at least one compatible communication device (figure 1, numbers 6 and 7).

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Regarding to claim 2, Ortiz discloses the communication system of claim 1, wherein the service provider (figure 1, number 12) is configured to receive content from at least one content producer (figure 1, numbers 15 and paragraph [0047]).

Regarding to claim 3, Ortiz discloses the communication system of claim 1, wherein the storage device is a memory (figure 2, number 30, note: memory can be solid-state memory or liquid crystal memory).

Regarding to claim 16, Ortiz discloses a method of storing and transferring content, the method comprising: receiving content from service provider (figure 1, number 15), and transmitting the content with a transmitter to at least one compatible communication device within a range of the transmitter (figure 1, number 6 and 7, figure 2, number 23, and figure 3, number 31).

Regarding to claim 17, Ortiz discloses the method of claim 16, wherein the content comprises Internet content (paragraphs [0046], [0047], [0049], and [0063]).

Regarding to claim 18, Ortiz discloses the method of claim 16, wherein transmitting content comprises transmitting infrared signals (figure 2, number 26).

Regarding to claim 19, Ortiz discloses the method of claim 16, wherein transmitting content comprises transmitting signals according to Bluetooth specifications (paragraph [0048]).

Regarding to claim 20, Ortiz discloses the method of claim 16, wherein transmitting content comprises transmitting radio-frequency signals (figure 2, number 27).

Regarding to claim 21, Ortiz discloses the method of claim 16, further comprising: receiving a request for content from a communication device (figure 10, number 101 and 104), transmitting the request to a service provider (figure 10, number 106), transmitting the requested content with the transmitter to the communication device that requested the content (figure 10, number 107).

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 4-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortiz (U.S. Pub. No.2002/0058499) further in view of Schultz (U.S. Patent No.6, 058,489).

Regarding to claim 4, Ortiz discloses a storage device configured to receive content from a service provider and store the content, the storage device comprising: at least one transmitter coupled to transmit the content (figure 2, number 23), the at least one transmitter being configured to transmit the content stored to at least one compatible communication device within a range of the transmitter (figure 1, numbers 7, 12, 18, 17, 16 and 6 and paragraphs [0047]-[0049]). However, Ortiz fails to teach a disk drive unit configured to store the content. But, Schultz teaches a disk drive unit configured to store the content (figure 1, number 114A-E). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Ortiz (U.S. Pub. No.2002/0058499) with Schultz (U.S. Patent No. 6,058,489) in order to achieve optimal performance level.

Regarding to claim 5, the combination of Ortiz and Schultz disclose the storage device of claim 4, wherein at least one transmitter uses infrared signals to transmit the content (see Ortiz figure 2, number 26 and paragraphs [0047] and [0048]).

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Regarding to claim 6, the combination of Ortiz and Schultz disclose the storage device of claim 4, wherein at least one transmitter transmits signals according to Bluetooth specifications (see Ortiz paragraph [0048]).

Regarding to claim 7, the combination of Ortiz and Schultz disclose the storage device of claim 4, wherein at least one transmitter uses radio frequency signals to transmit the content (see Ortiz figure 2, number 27, and paragraphs [0047] and [0048]).

Regarding to claim 8, the combination of Ortiz and Schultz disclose the storage device of claim 4, wherein a first transmitter uses radio frequency signals to transmit the content, and a second transmitter uses infrared signals to transmit the content (see Ortiz figure 2, number 26 and 27 and paragraphs [0028] and [0050]).

Regarding to claim 9, the combination of Ortiz and Schultz disclose the storage device of claim 4, wherein the content comprises audio signals (see Ortiz paragraphs [0017] and [0046]).

Regarding to claim 10, the combination of Ortiz and Schultz disclose the storage device of claim 4, wherein the content comprises audio signals (see Ortiz paragraphs [0046] and [0051]).

Regarding to claim 11, the combination of Ortiz and Schultz disclose the storage device of claim 4, wherein the content comprises data files (see Ortiz paragraphs [0046]).

Regarding to claim 12, the combination of Ortiz and Schultz disclose the storage device of claim 4, wherein the content comprises Internet (see Ortiz paragraphs [0046], [0047], [0049], and [0063]).

Regarding to claim 13, the combination of Ortiz and Schultz disclose the storage device of claim 4, further comprising and output port configured to transmit content to at least one

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communication device when the output port is physically coupled to the communication device (see Ortiz figure 2, number 22 and paragraph [0048]).

Regarding to claim 15, the combination of Ortiz and Schultz disclose the storage device of claim 4, wherein the disk unit comprises an array of disk drives (see Schultz figure 1, number 142 and column 4, lines 56-61).

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ortiz (U.S. Pub. No.2002/0058499) and Schultz (U.S. Patent No.6, 058,489) further in view of Lunsford (U.S. Pub. No. 2002/0065065).

Regarding to claim 14, the combination of Ortiz and Schultz disclose the storage device of claim 4, wherein the transmitter is configurable to wirelessly transmit content (figure 1, number 7) to at least one compatible wireless communication device within a range of the transmitter (figure 1, number 6). However, Ortiz and Schultz fail to teach not transmit content to at least one compatible wireless communication device within a range of the transmitter. But, Lunsford teaches not transmit content to at least one compatible wireless communication device within a range of the transmitter (paragraphs [0057] and [0058]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Ortiz (U.S. Pub. No.2002/0058499) and Schultz (U.S. Patent No.6, 058,489) with Lunsford (U.S. Pub. No. 2002/0065065) in order to secure the content to be transmitted.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alemayehu Behulu whose telephone number is 703-305-4828.

The examiner can normally be reached on 8 AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-746-3501.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

AB



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